



ITW AF  
1634  
Case No. ELITRA.009A  
Date: November 12, 2004

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS**

In re application of : Forsyth et al.  
App. No. : 09/741,669  
For : GENES IDENTIFIED AS  
REQUIRED FOR  
PROLIFERATION OF E. COLI  
Filed : December 19, 2000  
Examiner : Frank Lu  
Group Art Unit : 1634

**Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450**

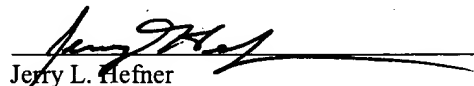
Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated May 18, 2004 of the Primary Examiner finally rejecting Claims 45-56, 133 and 134. The item(s) marked below are appropriate:

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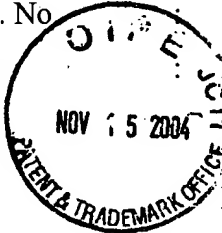
Signature: 

Jerry L. Hefner  
Registration No. 53,009  
Customer No. 20,995  
(619) 235-8550

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Forsyth et al.  
Appl. No : 09/741,669  
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RESPONSE AFTER FINAL OFFICE ACTION**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed May 18, 2004, in connection with the above referenced patent application. Applicants would like to thank that Examiner for the time and courtesy extended during the telephonic interview of May 26, 2004. A summary of the content of that interview is provided in this response. Applicants respectfully request that the Examiner enter the following amendments and consider the following remarks.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Summary of Interview** begins on page 5 of this paper

**Remarks/Arguments** begin on page 6 of this paper.